anticipated by Lamb. Claims 1-3, 7-10, 13, 14 and 18 were rejected under 35 U.S.C. §102(b) as anticipated by Popkes. Claims 1-7, 13, 14 and 18 were rejected under 35 U.S.C. §102(b) as anticipated by Newman et al. Claims 1, 3, 14, 15 and 18 were rejected under 35 U.S.C. §102(b) as anticipated by Barnett. In light of the amending of claim 1 to include the subject matter of claim 3, the rejection based upon Burkett no longer pertains.

In the present invention, the micro-pores form a screen in which the micro-pores are smaller than the nominal size of the (potable) matter when the matter comprises infusible matter. The enclosure openings are sized and have densities per unit area substantially to eliminate the effect of surface tension of the liquid and, thus, to encourage respective conveyance of the essences into the liquid. Further, the enclosure is defined as having a unitary, self-supporting generally stiff structure.

As stated in the specification on page 7, lines 9-20, "the spacing of the interstices provided by the openings of the mesh or perforations form microscopic openings or micro-pores which are sized and have densities per unit area to substantially eliminate the effect of surface tension of the liquid and, therefore, to encourage respective infusion and dissolution of the essences of the infusible and water-soluble potable matter into the liquid. ... Should the micro-pores not be spaced sufficiently close together, unacceptable surface tension is found to develop and, therefore, flow through the micro-pores is retarded or restricted."

It is respectfully submitted that none of the applied patents teach the claimed invention; none disclose such micro-pore technology as described above.

In the Burkett patent, a soluble coating is placed on the outside to keep the infusible material inside. Once the soluble coating dissolves in hot water, the infusible material can pass into solution. In the claimed invention, no coating is needed because the micro-pores maintain infusible material inside except when the sealed device is immersed in water and, then, only materials smaller than the micro-pores can pass therethrough.

The Lamb patent discloses the combination of a soft bag and stiff tube, which is not a unitary construction, as defined in claims 1 and 18. A unitary construction provides several advantages of less resistance and ease of manufacture. When the inventive device is stirred in a solution, water will flow into and past the infusible material. In the Lamb device, its soft bag will tend to loosely move in the solution, and not cut easily through the solution, as will occur with the present invention. A unitary construction is also easily manufactured. Further, the unitary construction provides a better appearance than a stick and a bag. Further, the Lamb device uses a tea bag which may drip when it is removed from the liquid while the present invention does not similarly drip; surface tension is eliminated only when it is immersed. Finally, gravity will cause liquid in the tea bag to flow to its lower end and to stretch the material; the rigid material in the present invention avoids such stretching.

In the Popkis patent, its pores are covered with a sliding sheet in a manner similar to that disclosed in the Burkett patent to prevent infusible material from falling out prior to immersion. The present invention employs micro-pores for this purpose.

The Newman et al. and Barnett patents disclose tea bags coupled to sticks, and are as deficient as that described with the Lamb device.

Accordingly, reconsideration of the rejections of claims 1, 2, 4-15, 18, and 21-28, and allowance thereof is solicited.

Respectfully submitted,

Lewis B. Sternfels
Registration No. 20,761
Attorney for Applicant

Law Offices of Clark D. Gross
% Russ August & Kabat
12424 Wilshire Boulevard, Suite 1200
Los Angeles, CA 90025-1031

Telephone: (310) 390-4022 & (310) 979-3444
Facsimile: (310) 979-3445

Enc. Version with Markings to Show Changes Made in Claims